

Ser. No. 10/713,641

RECEIVED
CENTRAL FAX CENTER

FEB 05 2007

Remarks

Claims 1-26 were pending in the application. Claims 1, 5, 6, 9, 11, 17, 19, and 23-26 were rejected. Claims 2-4, 7, 8, 10, 16, and 18 were merely objected to and claims 12-15 and 20-22 were allowed.

Allowable Subject Matter

Applicants appreciate the indication of allowable subject matter in claims 2-4, 7, 8, 10, 12-16, 18, and 20-22.

Claims Rejections-35 U.S.C. 103

Claims 1, 5, 6, 9, 17, 19, and 23-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chlus (US6802691) in view of Eleftheriou et al. (US6755025) and Honda et al. (US6092987). Applicants respectfully traverse the rejection.

Eleftheriou et al. was cited for a bleed plenum with a plurality of bleed ports. The asserted motivation for the combination with Chlus was to allow modulation of bleed air when stall or surge occurs. Office action, page 7.

The asserted motivation is insufficient. The modulation of bleed air can be inherently achieved by bleed valves generally including those of Chlus and the other previously-cited references. Therefore, this function does not suggest the need for any modification of Chlus or the other references, generally, let alone any modification from Eleftheriou et al., in particular. There similarly is no motivation for any modification of Chlus based upon Honda et al.

In the discussion spanning pages 2 and 3 of the Office action, the Office loses track of the basic impropriety of the asserted motivation and picks and chooses elements of Eleftheriou et al. If the motivation is already achieved by the primary reference Chlus, there is clearly no inherent reason for one of ordinary skill in the art to then make a la carte modifications absent specific additional reasons for those modifications. Furthermore, the specific asserted motivation, inherently, only relates to use and involves no structural modification.

Furthermore, Eleftheriou et al. involves a structurally different environment than Chlus and Honda et al. Particularly, Eleftheriou et al. involves bleed along an upstream portion of a centrifugal high pressure compressor. Chlus and Honda et al. differ both in type and location,

Ser. No. 10/713,641

being at the downstream end of an axial low pressure compressor.

The difference in configuration, alone, between Eleftheriou et al. and the other references is sufficient to overcome the rejection. The discussion at paragraph 4 of the Office action that claim 1 does not specify a particular type of compressor is, irrelevant. For the claims to specify a separate type of compressor from that involved in a properly-formed combination would be a further and independent reason for overcoming the rejection. The difference in type between Eleftheriou et al. and the other references is a reason why the combination is not proper.

The assertion in that paragraph that "elements 14 still function as offtake ducts" is incorrect and vitiates the element "offtake ducts".

The page 6 assertion that "the term 'is shiftable' is a recitation of intended use..." is incorrect. It is a structural mechanical relationship between elements. For example, contrary to a shiftable via combined circumferential rotation and longitudinal translation, an element could be not shiftable at all (e.g., if immovably secured), could be shiftable by merely a circumferential rotation (e.g., if secured against longitudinal translation but having a degree of circumferential freedom)...

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chlus, Eleftheriou et al., and Honda et al and further in view of Malmberg (US2005/0008486). Applicants respectfully traverse the rejection.

The underlying combination suffers the same deficiencies noted above.

There has been no showing that one of ordinary skill would regard Chlus et al as suffering a deficiency for which any solution would be found in Malmberg. The asserted motivation of "guiding working fluid from the compressor" is insufficient. Guiding the working fluid from the compressor is inherent in any of the individual references thus cannot be a suggestion for their modification. Why would one of ordinary skill in the art seek to vary how this is done in Chlus?


Ser. No. 10/713,641

RECEIVED
CENTRAL FAX CENTER

FEB 05 2007

Accordingly, Applicants submit that claims 1-26 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

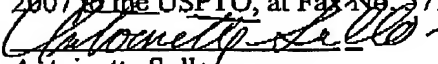
Respectfully submitted,

By 
William B. Slate
Attorney for Applicants
Reg. No.: 37,238

Telephone: 203-777-6628
Telefax: 203-865-0297

Date: February 5, 2007

I hereby certify that this correspondence is being facsimile transmitted this 5th day of February, 2007 to the USPTO, at Fax No. 571-273-8300.


Antoinette Sullo